

### Remarks

#### 1) Summary of the Office Action

Claims 1 – 50 are pending in the case. By an Office Action dated October 27, 2003:

Claims 1 – 7, and 28 - 41 were allowed.

Claims 23 and 26 were indicated as being allowable.

The Examiner objected that claim 8, does not “clearly describe an intermediate member.”

A rejection under 35 USC 112 for lack of proper antecedent basis is made against claim 17.

Claims 9 – 16, 18 – 22, 24, 25 and 27 were rejected. However, no written reason has been provided in the Office Action for their rejection.

Claims 42 – 44 and 47 had previously been rejected under 35 USC 103(a). However, there is no indication of why they have been rejected again, notwithstanding the applicant's amendments.

Claims 45 and 46 had previously been rejected under 35 USC 112 for lack of proper antecedent basis. Accordingly, amendments were made to these claims. These claims were again rejected in this Office Action with no written reason provided for their rejection.

Claims 48 - 50 are rejected under 35 USC 102 as anticipated by US P 5,909,015 of Yamamoto.

#### 2) Commentary

##### Claim 8

Applicant respectfully traverses the objection to Claim 8. The intermediate member referred to in claim 8 is present in the figures and the definition as the member magnetically intermediate between the top plate and the central post. For example, in Figure 2, back plate 126 and magnet 138, are both members that intermediate top plate 124 and central post 128, and satisfy the working of the claim. These intermediate members 126 and 138 are both shown in the illustrations and described in the disclosure. As such, the applicant respectfully submits that claim 8 is allowable.

##### Claim 17

Claim 17 has now been amended to address the Examiner's objection.

##### Claim 42

Claim 42 was previously amended. The Office Action of October 27, 2003 does not appear to indicate whether the Amendment of July 28, 2003 has been considered, and, if so, found allowable.

The applicant respectfully submits that none of the references cited in the Office Action identify any element corresponding to a passageway defined in the pole piece, such passageway having a first port opening on the internal cavity under the dust cap, and a second port opening on the internal space of the loudspeaker. As such, the applicant respectfully submits that no *prima facie* grounds for rejection under 35 USC 103 have been established, according to the 3-part requirement of MPEP 2142. In that regard, the applicant respectfully submits that claim 42, and all claims dependant therefrom, namely claims 43 – 47, are allowable.

In the event that claims 42 – 47 are not found to be allowable, the applicant would appreciate receiving a new Office Action indicating why they are not now allowable.

#### Claim 48

The loudspeaker of claim 48 contains a “pole piece having a relief formed therein for conducting air displaced by motion of said diaphragm, said relief having an open side facing said voice coil...” For example, in Figure 6b, the relief formed in the pole piece 242 forms four vertical channels 248 formed on ninety degree centers in the external face 250 of pole piece 242, thus creating an open face in the relief facing the voice coil, which is contained in space 246. Said vertical channels, 248 will tend to contain displaced air caused by the reciprocation of said voice coil.

The rejection of claim 48 does not identify any element corresponding to a relief for conducting displaced air, in the pole piece of the cited art, the relief having an open side facing the voice coil. As such, the applicant respectfully submits that no *prima facie* grounds for rejection under 35 USC 103 have been established, according to the 3-part requirement of MPEP 2142. In that regard, the applicant respectfully submits that claim 48, and all claims dependant therefrom, namely claims 49 and 50, are allowable.

#### General

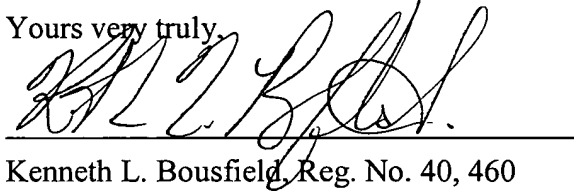
A full copy of the claims, as amended, is attached for the convenience of the Examiner. The Applicant respectfully submits that the Office Action does not indicate the reason for the rejection of claims 9 – 16, 18 – 22, 24, 25 and 27, or 42 to 47, nor does it indicate why the Applicant's argument with respect to these claims was not persuasive. As a result, the Office Action does not appear to have answered all material traversed, as required by MPEP 707.07(f). In that light, the Applicant respectfully submits that the Office Action was not properly made final.

In the event that the Examiner proposed to sustain the rejection of any of claims 9 – 16, 18 – 22, 24, 25 and 27, the Applicant respectfully requests anew Office Action setting forth the missing grounds of rejection so that the Applicant may be able to respond in a more fully informed manner.

Conclusion

In view of the present amendments and commentary, the applicant respectfully submits that all of claims 1- 50 presently pending in this case are in a condition to permit allowance. Therefore the applicant requests early and favourable disposition of this application.

Yours very truly,



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